



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/242,485

11/15/1999

PETER SHINTANI

450108-4474

1116

7590

06/13/2006

WILLIAM S FROMMER
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE
NEW YORK, NY 10151

EXAMINER

LONSBERRY, HUNTER B

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/242,485

Applicant(s)

SHINTANI, PETER

Examiner

Hunter B. Lonsberry

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 14, 15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 14, 15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

U.S. Patent 6,553,178 to Abecassis is relied upon to teach response request being receiving by the receiving means at any time during the commercial program.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12, 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,532,735 to Blahut in view of U.S. Patent 5,880,720 to Iwafune, U.S. Patent 5,915,243 to Smolen, U.S. Patent 5,838,314 to Neel, U.S. Patent 6,553,178 to Abecassis and U.S. Patent 5,855,008 to Goldhaber.

Regarding claims 12 and 15, Blahut discloses an information receiving device for viewing programs, comprising:

Receiving means (converter at homes 222a-b) for receiving a program for viewing by a viewer (column 3, lines 54-60, column 4, lines 13-22),

determining means (converter at homes 222a-b) for determining whether said program is a commercial program or a Pay Program and displaying the corresponding program to the user (figure 5, step 228, column 6, lines 7-15);

determining if a user desires to watch a different level of advertisements for the pay program, and then crediting the users bill accordingly (column 5, lines 48-65, figure 5, steps 248,250).

said display means (Blahut inherently includes display means as the programs are VOD programs and a converter is present in each home 222) displaying the pay program to the viewer (steps 244, 246).

Blahut fails to disclose, wherein if said program is determined as said commercial program, the response request being received by the receiving means at any time during the commercial program, displaying a response request when the commercial program has viewed in its entirety by the viewer, transmitting a response request from a user associated with the commercial program, adding points to a user account upon receiving the user response, a memory for storing a current points value , a user response and ID corresponding to a commercial program, if a program is a pay program, displaying the current number of points and a points payment request, ad subtracting the corresponding number of points for a pay program.

Iwafune discloses a two way TV system in which TV's communicate with a server associated with a quiz show or interactive catalog (commercial program), when a user

Art Unit: 2623

submits an answer, the user's television ID and the ID of the currently watched program is attached to the user's response, (column 6, line 38-column 7, line 17, column 8, line 6-column 8, line 67 column 10, lines 5-22, column 11, lines 7-32, Figure 6), thus enabling a program provider to learn more about their customers and enabling answers to be cataloged by their corresponding program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Blahut to utilize the commercial program, requests, responses, commercial ids of lwafune, thereby enabling a program provider to learn more about their customers and enabling answers to be tabulated by their corresponding commercial program.

The combination of Blahut and lwafune fails to disclose the response request being received by the receiving means at any time during the commercial program, displaying a response request when the commercial program has viewed in its entirety by the viewer, the use of a memory for storing a present points value, adding points corresponding to the commercial program to the present points value, and subtracting points corresponding to the pay program in response to a user request.

Neel discloses a Pay Per View and VOD system in which a user may choose whether or not to view an interactive advertisement in order to not be charged for the requested programming, after a user views the advertisements, they are able to interact with the ads which increases the likelihood the user would remember the brand name, provides marketing information and sales leads as well as enabling a user to order

Art Unit: 2623

products, after which the desired program is transmitted to the user for viewing (figures 4/7, column 14, line 49-column 15, line 55, column 17, line 34-column 19, line 44).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Blahut and Iwafune, to display the response request after the user has viewed the commercial in its entirety as taught by Neel, for the advantage of increasing the likelihood the user would remember the brand name, providing marketing information and sales leads as well as enabling a user to order products.

The combination of Blahut, Iwafune, and Neel fails to disclose the response request being received by the receiving means at any time during the commercial program, the use of a memory for storing a present points value, adding points corresponding to the commercial program to the present points value, and subtracting points corresponding to the pay program in response to a user request.

Abecassis discloses an advertisement subsidized VOD system in which commercials are transmitted to a user to reduce the pricing of the program, as part of the verification process verification of the user watching the commercial is preformed and a viewer response request may be transmitted during the video of the commercial (column 45, lines 10-18, column 46, lines 16-37, 61-column 47, line 14, 31-46), users may select the advertisements they wish to view (column 44, lines 46-column 45, line 9).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Blahut, Iwafune, and Neel to utilize the

Art Unit: 2623

commercial selection and response request transmission features as taught by Abecassis for the advantage of enabling a user to select commercials for viewing which correspond to their tastes and interests (column 45, lines 5-10).

The combination of Blahut, Iwafune, Neel and Abecassis fails to disclose the use of a memory for storing a present points value, adding points corresponding to the commercial program to the present points value, and subtracting points corresponding to the pay program in response to a user request.

Smolen discloses in Figure 1, a STB 101 which enables a user to take part in a survey, a user answers question and their responses are stored, in exchange for their responses a number of coupons or promotions (points) are offered to the user and stored in memory via an electronic wallet which may be redeemed at a point of sale (column 4, lines 6-18, column 5, line 1-column 6, line 57, column 7, lines 46-56), thus compensating a user for their time, and encouraging user participation by enabling a user to redeem their points.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Blahut, Iwafune, Abecassis and Neel to utilize the addition of points for completing a survey, as taught by Smolen, in order to compensate a user for their time and increase user participation by enabling a user to redeem their earned points.

The combination of Blahut, Iwafune, Neel, Abecassis and Smolen fails to disclose presenting the number of available points to the user via a display means.

Goldhaber discloses a system which assigns "cybercoins" to a user in response to a user watching advertisements (commercial programs) and then completing a questionnaire afterwards to ensure the user viewed the advertisement, the user may review the number of cybercoins they possess and may utilize the credits to purchase entertainment or other information a user desires to access (column 10, line 65-column 12, line 14, column 16, lines 13-24, column 19, lines 15-21), thus enabling a user to keep track of how much credit they have, and providing an easy way to spend the credits on entertainment.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Blahut, Iwafune, Neel, Abecassis and Smolen, to utilize the credit display, and credit utilization functions of Goldhaber, thus enabling a user to keep track of how much credit they have, and providing an easy way to spend the credits on entertainment.

Regarding claims 14 and 17, Iwafune is relied upon for teaching transmitting the viewer response and commercial ID via a modem 32 (column 6, line 38-column 7, line 17, column 8, line 6-column 8, line 67 column 10, lines 5-22, column 11, lines 7-32, Figure 6).

Goldhaber is relied upon for teaching transmission means for transmitting the present points value (column 10, line 65-column 12, line 14).

Conclusion

Art Unit: 2623

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

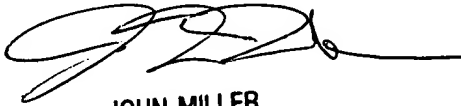
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600